

**IN THE DRAWINGS**

Please enter one Replacement Sheet #4/20 (Figure 4) in place of earlier drawing sheet #4. A copy of the marked-up drawing showing details of the changes made to **Figure 4** is provided in an **Appendix** to this section, listed as “Annotated Marked-up Drawing.”

The drawing correction to **Figure 4** involves deletion of reference number **27** originally shown as being associated with element **122**. This typographical error has been corrected by removing **27** (which is not mentioned anywhere else in the Specification).

Replacement Sheets involving corrections:

#4/20	Figure 4
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In re application of: Seelig et al.  
Serial number: 10/811,104  
Page 12

**APPENDIX (to Drawings Corrections)**

Annotated Marked-up Drawing:

#4/20            Figure 4

### **THE AMENDMENT**

Claims 1-28 are in the case. Claims 1, 16, 19 and 21 have been amended. The amendments to claims 1 and 16 are to correct grammatical errors that are obvious from their context. The amendment to claim 19 is to provide proper antecedent basis regarding reference to “properly” aligned fractional images.

Support for the amendment to claims 16 and 21 regarding “each of the fractional three-dimensional images having a height, a width, and a depth” is found in claim 1 and in Figures 15-17 of the Specification.

The amendment to the Specification at page 2 is to update the Cross Reference to Related and Co-pending Applications. The amendment to the Specification at page 42 is to provide a new Abstract per the Office’s objection to the original Abstract.

The amendment to Figure 4 is to correct a typographical error by removing reference to element **27** which is not mentioned elsewhere in the Specification.

Applicants respectfully submit that the Amendment does not introduce new matter and request that the Amendment be entered.

### **REMARKS**

#### **1. A Brief Summary of One Embodiment of Applicants’ Invention**

In one embodiment, the present invention is directed to a gaming device involving a three-dimensional figure comprising a plurality of three-dimensional sections, each having a height, a width, and a depth. At least one three-dimensional section is moveable relative to the other three dimensional sections and comprises a plurality of three-dimensional fractional images. The moveable three-dimensional section may be positionable to allow a player to view

the plurality of three-dimensional fractional images by moving the moveable three-dimensional section. When the moveable three-dimensional section is in at least one position, the plurality of three-dimensional sections forms at least one whole, integrated three-dimensional image. The gaming device also comprises an actuator attached to the moveable three-dimensional section that is configured to move the moveable three-dimensional section. The gaming device also includes a controller in communication with the actuator and configured to cause the actuator to move the moveable three-dimensional section.

**2. Rejection of claims 1-6, 13 and 14 under 35 USC §102(b) as being anticipated by Lupo (U.S. Patent Application Publication 2002/0111204).**

Claims 1-6, 13 and 14 stand rejected under 35 USC §102(b) as being anticipated by Lupo. Applicants respectfully traverse the rejection.

Lupo appears to disclose a three-dimensional Tic-Tac-Toe computer game depicting a rotatable playing structure and number of separate substructures, where each substructure within the playing structure has mutable characteristics when viewed prospectively on the computer.

The Office contends that the computer game of Lupo discloses “... at least one of the plurality of three-dimensional sections being moveable relative to the other sections ...” Applicants respectfully disagree with the Office’s interpretation of the Lupo disclosure on this point. Lupo discloses a computerized presentation of a rotatable structure 1, but does not disclose any “subsections being moveable relative to other subsections;” indeed, Lupo only refers to movement, i.e., rotation of the cube structure 1 (see, for example: **page 2, ¶26, line 7; page 3, ¶33, line 7; and page 3, ¶34, line 10**, of Lupo). All references by Lupo to “subsections” are to the subsections being “selectable” and having “mutable characteristics” – there is no suggestion or disclosure that the subsections are moveable relative to each other, as required by

Applicants' claimed invention. The "mutable characteristics" of the subsections in Lupo refer to "color, shape, texture, patterns, contents, etc." (see, for example: **page 2, ¶30, lines 8 and 18;** and **claim 5**, of Lupo), but no suggestion or disclosure of the subsections being moveable is made.

Applicants submit that Lupo does not disclose or suggest key elements of Applicants' invention, for example, "at least one of the plurality of three-dimensional sections being moveable relative to the other sections" and "the moveable three-dimensional section being positionable to allow a player to view the plurality of three-dimensional fractional images by moving the moveable three-dimensional section." Lupo does not, therefore, anticipate Applicants' claimed invention and Applicants respectfully request withdrawal of the 35 USC §102(b) rejection.

**3. Rejection of claims 16-19, 21-23, 25 and 26 under 35 USC §102(b) as being anticipated by Kaplan (U.S. Patent No. 5,413,342).**

Claims 16-19, 21-23, 25 and 26 stand rejected under 35 USC §102(b) as being anticipated by Kaplan. Applicants respectfully traverse the rejection.

Kaplan appears to disclose a slot machine with three or more moving elongated reels which are parallel with each other in a horizontal position that stop at arbitrary times; the reels include several kinds of graphic patterns (two-dimensional) which depict wins by the number of matched patterns. A housing encloses the reels with a glass display having triangular viewing windows through which the graphic patterns are displayed. Each triangular viewing window is placed to form a larger triangle and provide a PYRAMID game format.

The Office contends that Kaplan discloses a method involving "moving at least a first moveable three-dimensional section comprising a plurality of fractional three-dimensional

images ...” and cites **col 3:1-6** of Kaplan. However, this citation only refers to the two-dimensional images on the reels of Fig. 7 – see excerpt below:

“... As shown in FIG. 7 the slot machine includes three horizontal parallel reels each of which includes symbols thereon. Each reel is supported at their ends on a separate shaft by a drum so that they will be driven separately and which can be removed independent of each other.”

None of the images on the reels of Fig. 7 of Kaplan are three-dimensional images “having a height, a width, and a depth” as required by Applicants’ claimed invention.

The Office further contends that Kaplan discloses “... selecting at least one of the plurality of fractional three-dimensional images to at least partially convey the outcome of the game ...” and cites **col 3:60-65** of Kaplan. However, this citation only refers to the two dimensional symbols 21 on the reel tape of Fig. 5 – see excerpt below:

“... The computer tells the stepper motor 17 when to stop and a certain display is shown. Also on the reel tape 20 are **symbol identifiers**. These identifiers collate with the computer to choose the correct symbols 21 to be displayed.” (**emphasis added**)

None of images on the reels of Fig. 5 of Kaplan are three-dimensional images “having a height, a width, and a depth” as required by Applicants’ claimed invention.

The Office further contends that Kaplan discloses “...positioning the selected fractional three-dimensional image next to at least a second fractional image ...” and cites **col 5:14-21** (claim 8) of Kaplan. However, this citation merely refers to the two-dimensional symbols on the various reels of Kaplan which do not correspond to the three-dimensional images “having a height, a width, and a depth” as required by Applicants’ claimed invention.

In summary, Applicants submit that Kaplan does not disclose or suggest key elements of Applicants' invention, for example, "moving at least a first moveable three-dimensional section comprising a plurality of fractional three-dimensional images, each of the fractional three-dimensional images having a height, a width, and a depth." Kaplan does not, therefore, anticipate Applicants' claimed invention and Applicants respectfully request withdrawal of the 35 USC §102(b) rejection.

**4. Rejection of claims 7 and 8 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Nakamura (U.S. Patent No. 5,580,308).**

Claims 7 and 8 stand rejected under 35 USC §103(a) as being obvious over Lupo in view of Nakamura. Applicants respectfully traverse the rejection.

Nakamura appears to disclose an electronic game playing method and an electronic game playing apparatus for using article image data such as human, animals and housings. Lupo appears to disclose a three-dimensional Tic-Tac-Toe computer game depicting a rotatable playing structure and number of separate substructures, where each substructure within the playing structure has mutable characteristics when viewed prospectively on the computer.

Based on the discussion presented above regarding independent claim 1 (Section 2), from which claims 7 and 8 are dependent, Applicant respectfully submits that a *prima facie* case of obviousness has not been established since "... all the claim limitations must be taught or suggested by the prior art ..." (see MPEP 2143.03). Therefore, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

**5. Rejection of claims 9 and 15 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Inoue (U.S. Patent No. 5,722,891).**

Claims 9 and 15 stand rejected under 35 USC §103(a) as being obvious over Lupo in view of Inoue. Applicants respectfully traverse the rejection.

Inoue appears to disclose a slot machine having a set of reels with symbols arranged on their peripheries. The reels are rotated and stopped to determine a win in accordance with a combination of symbols along a predetermined first winning line. Lupo appears to disclose a three-dimensional Tic-Tac-Toe computer game depicting a rotatable playing structure and number of separate substructures, where each substructure within the playing structure has mutable characteristics when viewed prospectively on the computer.

Based on the discussion presented above regarding independent claim 1 (Section 2), from which claims 9 and 15 are dependent, Applicant respectfully submits that a *prima facie* case of obviousness has not been established since “... all the claim limitations must be taught or suggested by the prior art ...” (see MPEP 2143.03). Therefore, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

**6. Rejection of claims 10 and 11 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Holmes, Jr. (U.S. Patent No. 5,720,662).**

Claims 10 and 11 stand rejected under 35 USC §103(a) as being obvious over Lupo in view of Holmes, Jr. Applicants respectfully traverse the rejection.

Holmes Jr. appears to disclose a slot machine with reels showing two-dimensional symbols in the pay line position. Lupo appears to disclose a three-dimensional Tic-Tac-Toe computer game depicting a rotatable playing structure and number of separate substructures,



where each substructure within the playing structure has mutable characteristics when viewed prospectively on the computer.

Based on the discussion presented above regarding independent claim 1 (Section 2), from which claims 10 and 11 are dependent, Applicant respectfully submits that a *prima facie* case of obviousness has not been established since “... all the claim limitations must be taught or suggested by the prior art ...” (see MPEP 2143.03). Therefore, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

**7. Rejection of claim 12 under 35 USC §103(a) as being obvious over Lupo (U.S. Patent Application Publication 2002/0111204) in view of Ikenaga (U.S. Patent Application Publication 2003/0067113).**

Claim 12 stands rejected under 35 USC §103(a) as being obvious over Lupo in view of Ikenaga. Applicants respectfully traverse the rejection.

Ikenaga. appears to disclose a three-dimensional puzzle involving a sphere with a pattern of indicia provided on the surface of the sphere. Lupo appears to disclose a three-dimensional Tic-Tac-Toe computer game depicting a rotatable playing structure and number of separate substructures, where each substructure within the playing structure has mutable characteristics when viewed prospectively on the computer.

Based on the discussion presented above regarding independent claim 1 (Section 2), from which claim 12 is dependent, Applicant respectfully submits that a *prima facie* case of obviousness has not been established since “... all the claim limitations must be taught or suggested by the prior art ...” (see MPEP 2143.03). Therefore, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

**8. Rejection of claims 20 and 24 under 35 USC §103(a) as being obvious over Kaplan (U.S. Patent No. 5,413,342) in view of Inoue (U.S. Patent No. 5,722,891).**

Claims 20 and 24 stand rejected under 35 USC §103(a) as being obvious over Kaplan in view of Inoue. Applicants respectfully traverse the rejection.

Inoue appears to disclose a slot machine having a set of reels with symbols arranged on their peripheries. The reels are rotated and stopped to determine a win in accordance with a combination of symbols along a predetermined first winning line. Kaplan appears to disclose a slot machine with three or more moving elongated reels which are parallel with each other in a horizontal position that stop at arbitrary times; the reels include several kinds of graphic patterns (two-dimensional) which depict wins by the number of matched patterns.

Based on the discussion presented above regarding independent claims 16 and 21 (Section 3), from which claims 20 and 24 are dependent, Applicant respectfully submits that a *prima facie* case of obviousness has not been established since “... all the claim limitations must be taught or suggested by the prior art ...” (see MPEP 2143.03). Therefore, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

**9. Rejection of claims 27 and 28 under 35 USC §103(a) as being obvious over Kaplan (U.S. Patent No. 5,413,342) in view of Nakamura (U.S. Patent No. 5,580,308).**

Claims 27 and 28 stand rejected under 35 USC §103(a) as being obvious over Kaplan in view of Nakamura. Applicants respectfully traverse the rejection.

Nakamura appears to disclose an electronic game playing method and an electronic game playing apparatus for using article image data such as human, animals and housings. Kaplan appears to disclose a slot machine with three or more moving elongated reels which are parallel

with each other in a horizontal position that stop at arbitrary times; the reels include several kinds of graphic patterns (two-dimensional) which depict wins by the number of matched patterns.

Based on the discussion presented above regarding independent claim 21 (Section 3), from which claims 27 and 28 are dependent, Applicant respectfully submits that a *prima facie* case of obviousness has not been established since “... all the claim limitations must be taught or suggested by the prior art ...” (see MPEP 2143.03). Therefore, Applicants respectfully request withdrawal of the rejection under 35 USC §103(a).

### **Conclusion**

Based on the arguments presented above, Applicants respectfully submit that the rejections have been overcome and request allowance of the claims. If the Office has any questions regarding the application or this response, the Office is encouraged to call Applicants’ attorney, Ian F. Burns, at (775) 826-6160.

Respectfully submitted,

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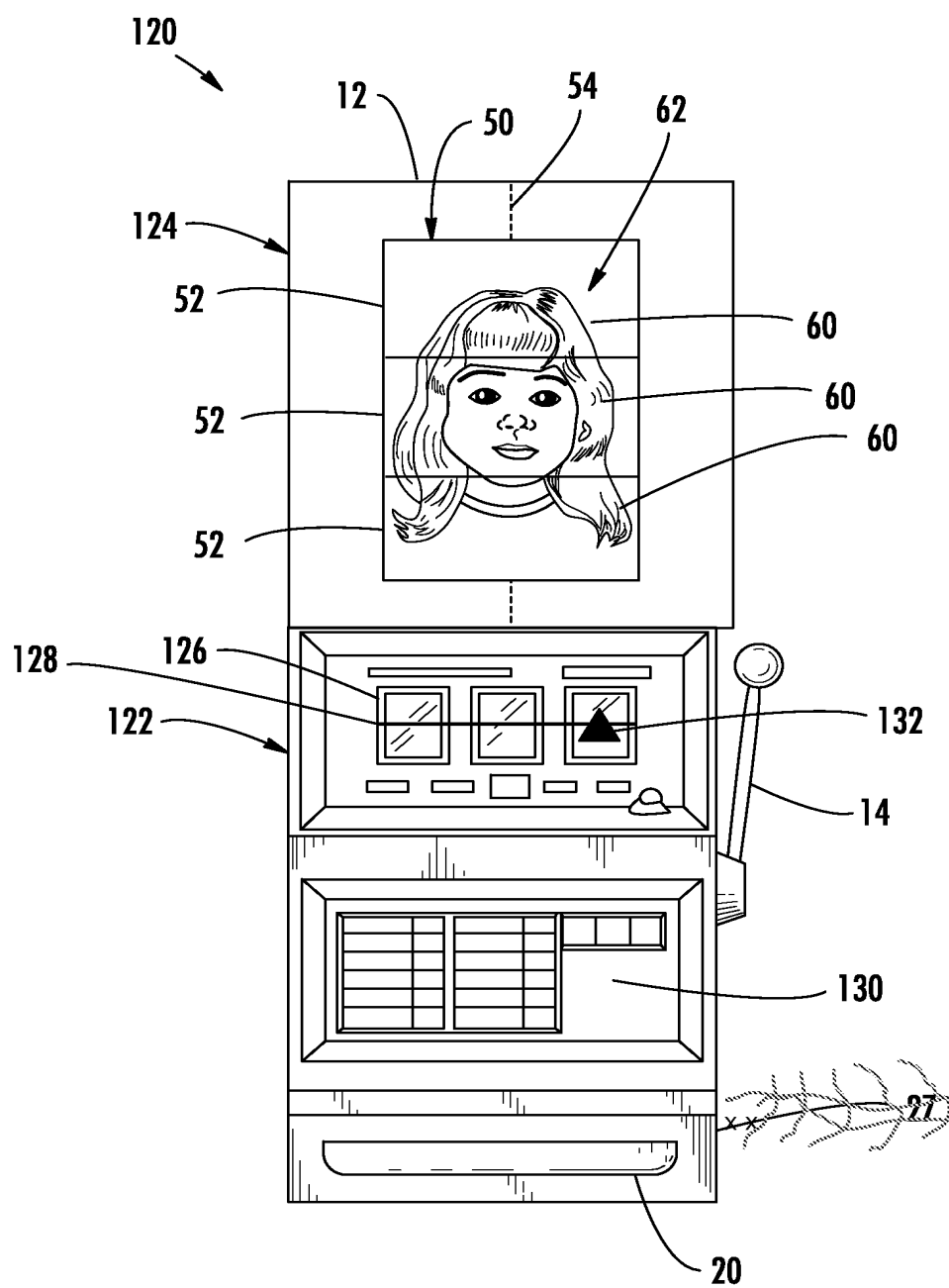


FIG. 4